

**State Board of Education**  
**June 22, 2009**  
**Item I-5**

**TEAM:** Commissioner's Office

**ITEM:** Will the State Board of Education vote to waive the requirement for School Quality Standards (SQS) school quality status report (Rule 2122.1) for 2008-09 and 2009-10 and to continue to waive the requirement for the school visits (Rule 2122.2) for the 2009-10 school years.

**RECOMMENDED ACTION: That the State Board of Education vote to waive the requirement for SQS school quality status report (Rule 2122.1) for 2008-09 and 2009-10 and to continue to waive the requirement for the school visits (Rule 2122.2) for the 2009-10 school years.**

**STATUTORY AUTHORITY:** 16 VSA § 165

**BACKGROUND INFORMATION:**

In 2005, the Department revised and the State Board adopted new rules related to School Quality Standards. These rules stipulate a range of requirements for schools. There is a two-part process for determining compliance. The first step is a School Quality Status Report that principals and headmasters must file indicating whether their schools are in compliance with a number of indicators, and which must be reviewed and responded to by Department staff. The second means involves a Department of Education team visiting between 30 and 50 randomly selected schools each year to confirm compliance. At its September 18, 2007 meeting, the State Board voted to waive the requirements for schools visits for the 2007-08 and 2008-09 school years.

**PURPOSE:**

At its May 19, 2009 meeting, the Commissioner discussed his plan to request that the State Board vote to waive the requirement for SQS school quality status report (Rule 2122.1) for 2008-09 and 2009-10 and to continue to waive the requirement for the school visits (Rule 2122.2) for the 2009-10 school year.

It does not seem prudent to dedicate department staff and school staff time in a review process, the content of which may need to be substantially changed because of the work of the Education Transformation Policy Commission and the upcoming strategic planning process. Additionally, department staff are facing adjusted work because of ARRA requirements at the same time positions are being cut. SQS must be factored into any restructuring necessary to address all critical tasks. There is no statutory requirement for either the status report or the on-site visits.

The Commissioner will continue to have authority (16 V.S.A. §165 (e)) to determine at any time that an individual school does not meet the School Quality Standards and take appropriate action to ensure compliance.

**COST IMPLICATIONS:** Waiving the regulation will save significant department and school staff time as well as the actual travel costs associated with the school visits.

**STAFF AVAILABLE:** Armando Vileseca; Gail Taylor; Mark Oettinger

## **2122 System for Determining Compliance with School Quality Standards**

### **2122.1 Filing of School Quality Status Report**

By June 30, 2006, principals of public schools and headmasters of any independent school participating in the School Quality Standards process shall complete and return to the Commissioner a status report designed to determine each school's compliance with the School Quality Standards

The form, to be completed, shall include a statement of the Standard; a checklist of significant requirements under the Standard; and questions on particular standards where appropriate to elicit information on manner and degree of compliance with the Standard.

In the case of an independent school participating in the School Quality Standards process, the information on the form shall be attested to by the headmaster. In the case of a public school, the information on the form shall be attested to by the superintendent, the principal and the school board chair.

### **2122.2 Further Review; Commissioner's Recommendation; State Board Action**

(a) Each year, the Commissioner shall, through a process of stratified random sampling, determine the 30-50 schools that will be visited by a Department of Education-led team to further review compliance with the School Quality Standards.

(b) If after reviewing the report of the visiting team, the Commissioner determines that a school does not substantially meet the School Quality Standards, he or she shall describe in writing the specific School Quality Standards found to be unmet and the specific actions that a district must take in order to come into compliance. The Commissioner's notice shall also describe what technical assistance shall be provided. The Commissioner shall afford the school district an opportunity for hearing on the determination. The Commissioner's decision shall be final.

(c) If the school fails to meet the School Quality Standards by the end of the next two- year period, the Commissioner shall recommend to the State Board one or more of the following actions:

- (1) Continue technical assistance,
- (2) Adjust supervisory union boundaries or responsibilities of the superintendency,
- (3) Assume administrative control of the school or portion thereof but only to the extent necessary to correct deficiencies, or
- (4) Close the school and require that the school board pay tuition to another public school or an approved independent school pursuant to Chapter 21 of Title 16.

(d) In the case of an independent school seeking to meet School Quality Standards, such school may receive technical assistance but shall not be subject to subdivisions (c) (2)-(4) of this section. The independent school may continue to be designated an independent school meeting the School Quality Standards unless and until the State Board, after an opportunity for a hearing, finds that:

- (1) the school has discontinued its participation in the School Quality Standards process; or
- (2) the school fails to substantially meet the School Quality Standards after two or more years following the initial determination.

(e) The State Board, after offering the school board an opportunity for a hearing, shall either dismiss or affirm the Commissioner's recommendation or order that one or more of the actions listed in subdivision (c) (1)-(4) of this section be taken.